

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
NW/S Prettyboy Dam Road, 1200' SW of its
intersection w/Spook Hill Road * ZONING COMMISSIONER
and Armacost Road
6th Election District * OF BALTIMORE COUNTY
3rd Councilmanic District * Case No. 96-34-X
Baltimore County, Maryland, Owner;
American PCS, L.P., Contract Lessee - Petitioners

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Exception for that property located on the northwest side of Prettyboy Dam Road, just west of its intersection with Armacost Road and Spook Hill Road, in the vicinity of the Prettyboy Reservoir. The Petition was filed by the owners of the property, Baltimore County, Maryland, a body politic, and the Contract Lessee, American PCS, L.P., hereinafter referred to as APC, by Margaret C. Ruggieri, Esquire, through their attorney G. Scott Barhight, Esquire. The Petitioners seek a special exception to permit a wireless transmitting and receiving facility to be located on an existing tower on the subject property, as more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 6.

This matter came in for a public hearing before this Zoning Commissioner as a combined case with six other Petitions filed by APC. Each of the seven cases included requests for zoning relief pursuant to the applicable provisions of the B.C.Z.R. At the hearings, testimony was received from Gregory Sarro, a Zoning Administrator for APC. Also present in support of the Petitions were Melanie Moser, a Consultant with Daft-McCune-Walker, Inc., and Andrew Werchniak, an electrical engineer with Moffit, Larson & Johnson, a site acquisition consulting firm. The Peti-

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Date

By

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tioner was represented by Christine K. McSherry, Esquire.

In the specific request by APC for the subject site, there was no opposition, although testimony was generally received in opposition to the request from J. A. Mann, a resident of Randallstown. Appearing as interested parties were Lisa Roemer and Mary Roemer, residents of Parkton.

The subject Petition is another in a series of Petitions recently considered by this Zoning Commissioner on behalf of APC. As recounted in prior decisions of this office, APC is a communications company which is a new entrant in the field of wireless communications in the Baltimore-Washington demographic area. APC specializes in wireless communications, including telephone, facsimile, and computer transmissions. The company employs a state-of-the-art technology to serve its clientele. One of the features of the company's communications network is the ability of mobile users to utilize the company's services. In order to provide such service, the company is establishing a grid of inter-connecting wireless facilities. Each grid serves a specific geographic area. As a user passes from one geographic area to another adjoining area, his transmission is handed off from one facility to the next. In order to establish this capability, the company must install its wireless transmitting and receiving antennae in select areas to insure a continuous and unbroken line of communication. At the Spook Hill site, the Petitioner proposes to install its antennae on an existing tower owned by Baltimore County. This tower is 400 feet in height and is located in the vicinity of the Prettyboy Reservoir on land zoned D.R. 2. The tower is utilized by Baltimore County for its public needs. The Petitioners propose to install six panel antennae on the tower at a height above ground level of approximately 150 feet, roughly 1/3 the height of the tower. The antennae will be situated on the

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tower so as to provide service in a 360 degree range to the surrounding grid. These antennae are 53.3 inches tall, 6.3 inches wide, and 2.7 inches deep. Two small equipment cabinets will be installed at the base of the tower to provide electrical service and equipment to the antennae. The facility will be unmanned but for routine maintenance inspections.

Testimony received from Mr. Gregory Sarro of APC fully described the general and site specific details of APC's operation. He noted that the company has been in business for approximately six years and is duly licensed by the Federal Communications Commission (FCC). Mr. Sarro described the interlocking grid system as set forth above. He noted that each grid will cover an area approximately five miles in radius, and that a facility is needed in this area of Parkton in the vicinity of the subject site. He also noted that the antennae fully comply with all FCC safety standards and guidelines. Specifically, there will be no interference with microwave, radio, television, or other transmissions and there is no danger to public health, welfare, or safety.

Testimony was also received from Melanie Moser, a landscape architect with Daft-McCune-Walker, Inc. She corroborated the testimony offered by Mr. Sarro regarding the benign effects of the proposed facility on the surrounding locale.

A packet of information was submitted and marked into evidence as Petitioner's Exhibit 1, which fully depicts the antennae and contains photographs of the existing tower on this site. An environmental effects statement was also received (Petitioner's Exhibit 5A) which concludes that there will be no detrimental effect upon the surrounding locale.

Wireless transmitting and receiving facilities are permitted in a D.R. zone by special exception. Moreover, the B.C.Z.R. encourage indus-

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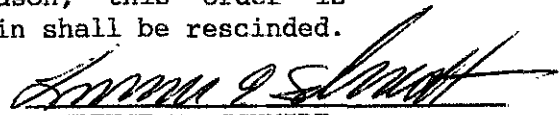
tries in this field to utilize existing towers. The installation of antennae on existing buildings and towers minimizes the construction of unsightly monopoles throughout the skyline of Baltimore County.

After due consideration of the testimony and evidence presented, it is clear that the proposed wireless transmitting and receiving facility at the Spook Hill location will not be detrimental to the health, safety or general welfare of the community. The evidence was overwhelming to support a finding that the inherent effects of the proposed facility are no greater at this location than if the facility was located elsewhere within the zone. It is clear that the Petitioner has satisfied the requirements of Section 502.1 of the B.C.Z.R. and that the Petition for Special Exception should be granted. See Schultz v. Pritts, 291, Md. 1 (1971).

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons set forth above, the special exception and variance relief should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 27th day of October, 1995 that the Petition for Special Exception to permit a wireless transmitting and receiving facility to be located on an existing tower on the subject property, in accordance with Petitioner's Exhibit 6, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

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Date

By

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Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

October 27, 1995

G. Scott Barhight, Esquire
Christine K. McSherry, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE
NW/S Prettyboy Dam Road, 1200' SW of its intersection with
Spook Hill Road and Armacost Road
6th Election District - 3rd Councilmanic District
Baltimore County, Maryland - Owners, and
American PCS, L.P. - Contract Lessee - Petitioners
Case No. 96-34-X

Dear Mr. Barhight & Ms. McSherry:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Fred Homan, Director, Baltimore County Budget Office

Margaret C. Ruggieri, Esquire, American PCS, L.P.
One Democracy Ctr., 6901 Rockledge Drive, Bethesda, Md. 20817

Ms. Lisa Roemer, 17236 Evna Road, Parkton, Md. 21120
Ms. Mary Roemer, 2334 Tracey's Store Road, Parkton, Md. 21120

People's Counsel; Case File

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96-34-X



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at Northwest side of Prettyboy Dam Road; 1200 feet
Southwest of the intersection of Prettyboy Dam Road,
Spookhill Road, and Armacost Road
which is presently zoned R.C.4

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

A wireless transmitting and receiving facility. Contract lease negotiations are ongoing between Petitioner, American Personal Communications, and the legal Owner, Baltimore County. Baltimore County agrees to the submission of this petition. American Personal Communications understands that it may not obtain a lease for this site, and is proceeding with this petition at its own risk.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Margaret C. Ruggieri, Esq. for
American PCS, L.P.

(Type or Print Name)

Margaret C. Ruggieri / smm
Signature

One Democracy Center
6901 Rockledge Drive

Address

Bethesda, MD 20817

City

State

Zipcode

Attorney for Petitioner:

G. Scott Barhight, Esq.

(Type or Print Name)

G. Scott Barhight / CKB
Signature

Whiteford, Taylor, & Preston
210 W. Pennsylvania Avenue

Address

Towson, MD 21204

Phone No. (410) 832-2000

City

State

Zipcode

Legal Owner(s):

Baltimore County, Maryland

(Type or Print Name)

Signature

(Type or Print Name)

Signature

401 Bosley Avenue

Address

Towson, MD 21286

Phone No.

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser, or representative to be contacted.

G. Scott Barhight, Esq.

Name

210 W. Pennsylvania Avenue
Towson, MD 21204 832-2000

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

W/NO FILMED

Zoning Administration
& Development Management

DROP OFF
NO REVIEW
7/26/95
UCR

ORDER RECEIVED FOR FILING

Date

By

32

96-34-X

Description

To Accompany Petition for

Special Exception

0.36 Acre Special Exception Parcel

Part of the Lands Conveyed to the

Mayor and City Council of Baltimore

Northwest Side of Prettyboy Dam Road

Sixth Election District, Baltimore County, Maryland



Daft McCune Walker, Inc.

200 East Pennsylvania Avenue

Towson, Maryland 21286

410 296 3333

Fax 296 4705

A Team of Land Planners,

Landscape Architects,

Engineers, Surveyors &

Environmental Professionals

Beginning for the same at the end of the third of the following courses and distances measured from the point formed by the intersection of the centerline of Spook Hill Road with the centerline of Armacost Road and the centerline of Prettyboy Dam Road (1) Northwesterly along the centerline of Spook Hill Road 300.00 feet, more or less, and thence (2) Southwesterly along the centerline of a private road 1190 feet, more or less, and thence (3) Southeasterly 17 feet, more or less, to the point of beginning, said point of beginning having coordinate values North 121828 feet, more or less, and West 25684 feet, more or less, said values being referred to the coordinate system established in the Baltimore County Metropolitan District, thence leaving said beginning point and running the four following courses and distances, viz; (1) South 36 degrees 00 minutes 00 seconds West 125.00 feet, thence (2) North 54 degrees 00 minutes 00 seconds West 125.00 feet, thence (3) North 36 degrees 00 minutes 00 seconds East 125.00 feet, thence (4) South 54 degrees 00 minutes 00 seconds East 125.00 feet to the point of beginning; containing 0.36 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

July 20, 1995

Project No. 94123.70



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY 96-34-X
Towson, Maryland

District East Date of Posting 8/15/05

Posted for: Special Exception

Petitioner: Beltz Co. Md

Location of property: 1201 SW Armco St, South Hill Property Co. Rd

Location of Signer: Facing roadway on property being zoned

Remarks: _____ Date of return: 8/25/05

Posted by: [Signature] Signature

Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., Aug 11, 1986

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Aug 10, 1986.

THE JEFFERSONIAN,

A. H. Henshaw
LEGAL AD. - TOWSON

NOTICE OF PUBLIC HEARING
The Zoning Commission of Baltimore County, by authority of the Board of Commissioners, hereby gives notice that a public hearing will be held on the following proposed rezoning application at the County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:
Case #95-34-X (Item 32)
1200' SW of intersection Annacost, Spook Hill, and Prettyboy Dam Roads 6th Election District 3rd Councilmanic Legal Owner: Baltimore County Maryland Lessee: American PCS, L.P. Hearing: Wednesday September 10, 1986 at 11:00 AM in the Board Room, 1000 County Office Building
Special Exception for a wireless telephoning and data communications facility
LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353. (2) For information concerning the File and/or Hearing, Please Call 887-3351. 8/132 Aug. 10.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

76-0.154298
34-X
ITEM #32
Drop-Off; No Review

DATE 7/26/95 ACCOUNT 001-6150

AMOUNT \$ 335.00 (WCR)

RECEIVED FROM: American PCS, L.P.

#050 -- SPECIAL EXCEPTION
#080 -- SIGN POSTING

FOR: Prettyboy Dam Road

01AD1W0429MICHR0 \$335.00

BA 0002:32PM07-27-95

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER
VALIDATION OR SIGNATURE OF CASHIER

Baltimore County Government
Department of Permits and Licenses



111 West Chesapeake Avenue
Towson, MD 21204

887-3610

August 9, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-34-X (Item 32)
1200' SW of intersection Armacost, Spook Hill, and Prettyboy Dam Roads
6th Election District - 3rd Councilmanic
Legal Owner: Baltimore County Maryland
Lessee: American PCS, L.P.
HEARING: WEDNESDAY, SEPTEMBER 6, 1995 at 11:00 a.m. in Room 106, County Office Building.

Special Exception for a wireless transmitting and receiving facility.

A handwritten signature in black ink, appearing to read "Arnold Jablon", is written over a horizontal line.

Arnold Jablon
Director
Department of Permits and Development Management

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 1, 1995

G. Scott Barhight, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Item No.: 32
Case No.: 96-34-X
Petitioner: American Personal
Communications

Dear Mr. Barhight:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on July 26, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

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Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

8-7-95

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 032 (WCR)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

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B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
 Zoning Administration and
 Development Management

DATE: August 8, 1995

FROM: Pat Keller, Director
 Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 26, 31, 32, 33, 34, 35, 36, 37, 38, 41, 43, 44, 45, 46, 48, 49, 50, 51,
53, and 54. 1⁹

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey W. Long

Division Chief:

Gary L. Long

PK/JL

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: August 14, 1995
Zoning Administration and Development Management

FROM: *PWB* Robert W. Bowling, P.E., Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
for August 14, 1995
Items 030, 031, (032), 033, 034, 035, 036, 037, 9
041 and 042

The Development Plans Review Division has reviewed
the subject zoning items and we have no comments.

RWB:sw

Handwritten signature



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 22, 1995

G. Scott Barhight, Esquire
Whiteford, Taylor, & Preston
210 West Pennsylvania Avenue
Towson, MD 21204

96-34-X

RE: Preliminary Petition Review (Item #32)
Prettyboy Dam, Spookhill & Armacost Rds.
6th Election District


Dear Mr. Barhight:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

The supporting existing guy wires are not located within the described special exception use area. The site area shown on the plan is 3,149.94 +/- acres, while the site area described in the zoning description is .36 acres. The provided information concerning special exception area must be in agreement. Revise information and plans accordingly..

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours


John L. Lewis
Planner II, Zoning Review

Enclosure (receipt)

c: Zoning Commissioner



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

32

TO: Virginia W. Barnhart, County Attorney
Office of Law

Arnold Jablon, Director
Permits & Development Management

FROM: Fred Homan *SH*
Office of the Budget

DATE: August 9, 1995

SUBJECT: Leasing of Tower Sites

As you are aware, APC is interested in locating on the following four 800 MHz communications towers: Red Run, North Point, Spook Hill and Catonsville. While such an arrangement is acceptable at these sites, the 800 MHz Committee has established the following requirements for all interested proposers. For your information, an APC representative had been made aware of these requirements a little more than a year ago.

1. A detailed RF inter-modulation study must be conducted by a reputable licensed Radio System Engineer or Engineering Company. This study must take into consideration all existing frequencies in use at the site, i.e., 800 MHz and 6 GHz microwave, and all future County frequencies to be used at the site. Additionally, any frequencies used by other leasing parties must be figured into the inter-modulation studies. The calculation must be performed to the seventh (7th) order.
2. A tower structural analysis based on the existing hardware load and the proposed maximum hardware load. The analysis must be completed by a licensed structural engineering firm experienced in communications tower structural analysis. All current loads will be taken into consideration. This includes (per tower) six (6) Sinclair SRL-480's, two each tower top amplifiers and six (6) runs of 1 5/8" LDF transmission line, line hangers, antennae mounts, etc. One additional SRL-480, attendant transmission line and mounting hardware will be needed to add the County's 5-channel system to each site. At this time, all cable ladders are filled to capacity, therefore, the increased tower loading presented by the addition of another ladder will require consideration in the loading calculations.

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The County has used the services of the following company:

Neubauer & Sohn Consulting Engineers, Inc.
7825 Tuckerman Lane
Potomac, MD 20854
(301) 299-7617

When the coverage analysis and inter-modulation studies have been completed, and the proposer has decided which tower(s) will meet their system requirements, the County's Electronic Services Division will furnish the tower manufacturer's structural data.

- 3) As required, the proposer constructs their own equipment shelter and installs their own electrical and telephone service. The proposer will adhere to all applicable electrical and telephone installation codes.
- 4) The proposer secures all necessary building permits, and constructs a building which meets and or exceeds all building codes.
- 5) The proposer employs a tower hardware installation company which is approved by the County, or uses the County's contractor.

The County's contractor is:

U.S. Towers
5263 Argo Drive
Frederick, MD 21701
(301) 874-5885

- 6) The proposer repairs and/or replaces the existing site grounding system if said system is damaged in any way by the building or bonding process. The County will test its grounding system prior to and following construction. If so desired, this can be performed with the proposer's representative(s) in attendance.
- 7) The proposer must install all equipment in compliance with the Motorola fixed network equipment quality standards R-56, and any and all applicable electrical and building codes.

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Virginia Barnhart & Arnold Jablon
Leasing Tower Sites
August 9, 1995
Page 3

Please understand that in citing the aforementioned requirements, this office is not approving the consideration offered by APC. It is assumed that the Office of Law will otherwise be responsible for negotiation of a lease agreement.

Finally, the Department of Public Works should be contacted for information on special requirements related to the water tanks identified by APC.

FH:nav

c: Merreen E. Kelly
W. Michael Pitcher

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RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
1200' SW of intersection Armacost, Spook	*	
Hill, and Prettyboy Dam Roads, 6th	*	ZONING COMMISSIONER
Election District, 3rd Councilmanic	*	
	*	OF BALTIMORE COUNTY
Legal Owner: Baltimore County Maryland	*	
Lessee: American PCS, L.P.	*	CASE NO. 96-34-X
Petitioners		
* * * * *		

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

 PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

Carole S. Demilio

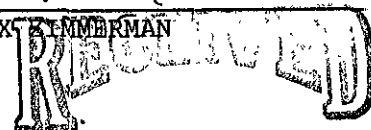
 CAROLE S. DEMILIO
 Deputy People's Counsel
 Room 47, Courthouse
 400 Washington Avenue
 Towson, MD 21204
 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of August, 1995, a copy of the foregoing Entry of Appearance was mailed to G. Scott Barhight, Esquire, Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman

 PETER MAX ZIMMERMAN



AUG 14 1995

DEPT. OF PERMITS & LICENSES
 OF BALTIMORE COUNTY

WHITEFORD, TAYLOR & PRESTON
L.L.P.

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

CHRISTINE K. MCSHERRY
DIRECT NUMBER
410 832-2027

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410 832-2000
FAX 410 832-2015

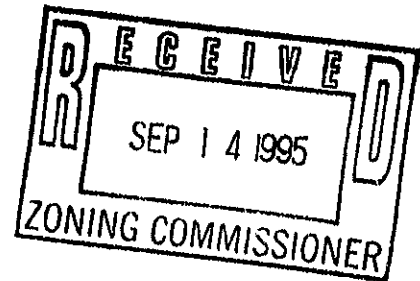
1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0573

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

September 13, 1995

DELIVERY BY HAND

The Honorable Lawrence E. Schmidt
Office of Planning & Zoning
Room 112
400 Washington Avenue
Towson, Maryland 21204



Re: Special Exception Case No. 96-37-XA and Case No. 96-34-X

Dear Mr. Schmidt:

On behalf of my client, American Personal Communications, I am writing to request that you deny the request received from Mr. Paul A. Hupfer in his letter dated September 6, 1995 to delay a ruling in the above-referenced cases. In his letter Mr. Hupfer gave no adequate reason to delay a ruling in these matters. Although he states that he is requesting a delay to allow time to discuss the matter with APC, he had that opportunity prior to the zoning hearing.

Furthermore, at the hearing held on September 6, 1995, you stated on the record that you would grant the applications in these cases. As you have already ruled on the Petitions, I see no reason to delay issuing those decisions.

Thank you for your consideration of our request that you deny Mr. Hupfer's request to delay your decision. If you have any questions or comments, please feel free to call me.

Sincerely,

Chris McSherry
Christine K. McSherry

CKM:sll

Enclosure

cc: Mr. Paul A. Hupfer
Mr. Greg Sarro

58203

WICKRUTLINE

Environmental Impact Statement

Spook Hill American PCS Site

August 1995
Project No. 94123.70

Prepared for:
American PCS, L.P.
One Democracy Center
Suite 600
6901 Rockledge Drive
Bethesda, MD 20817

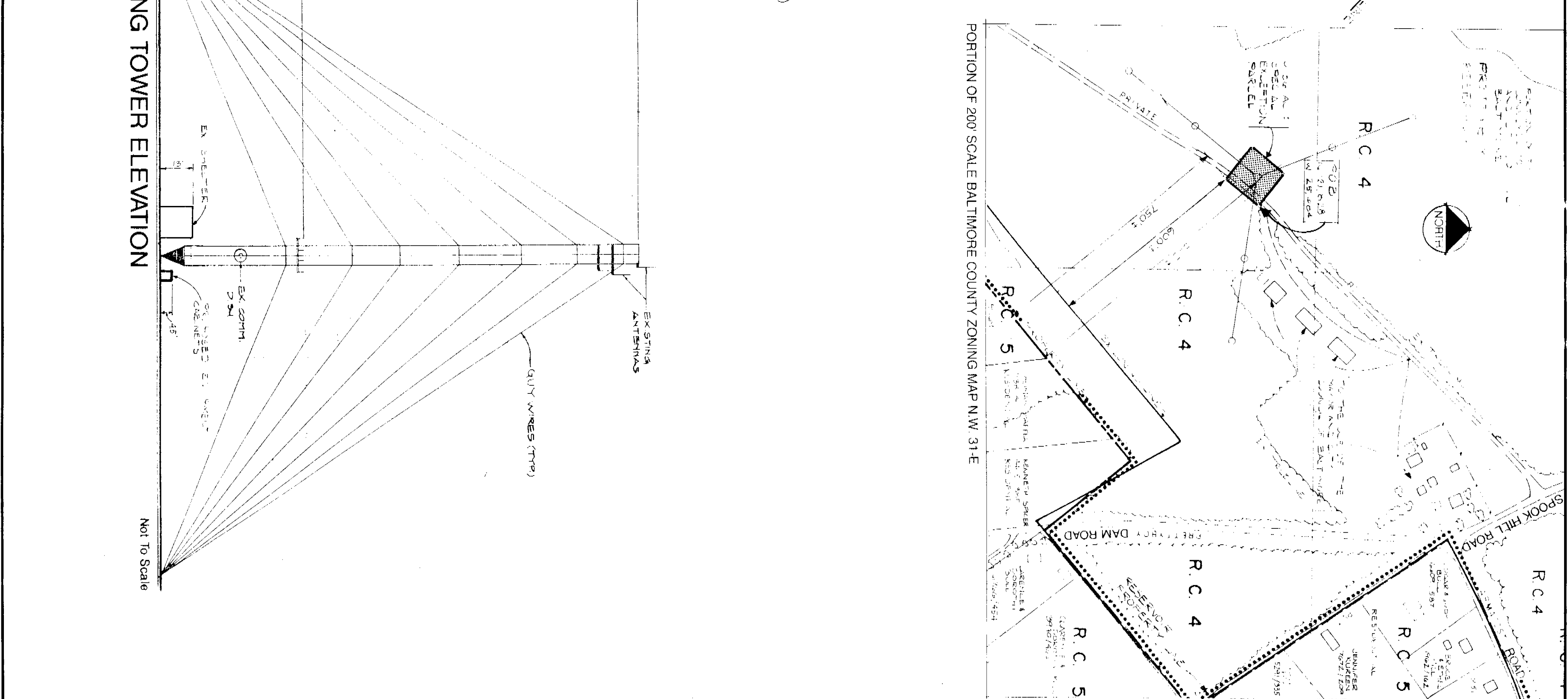
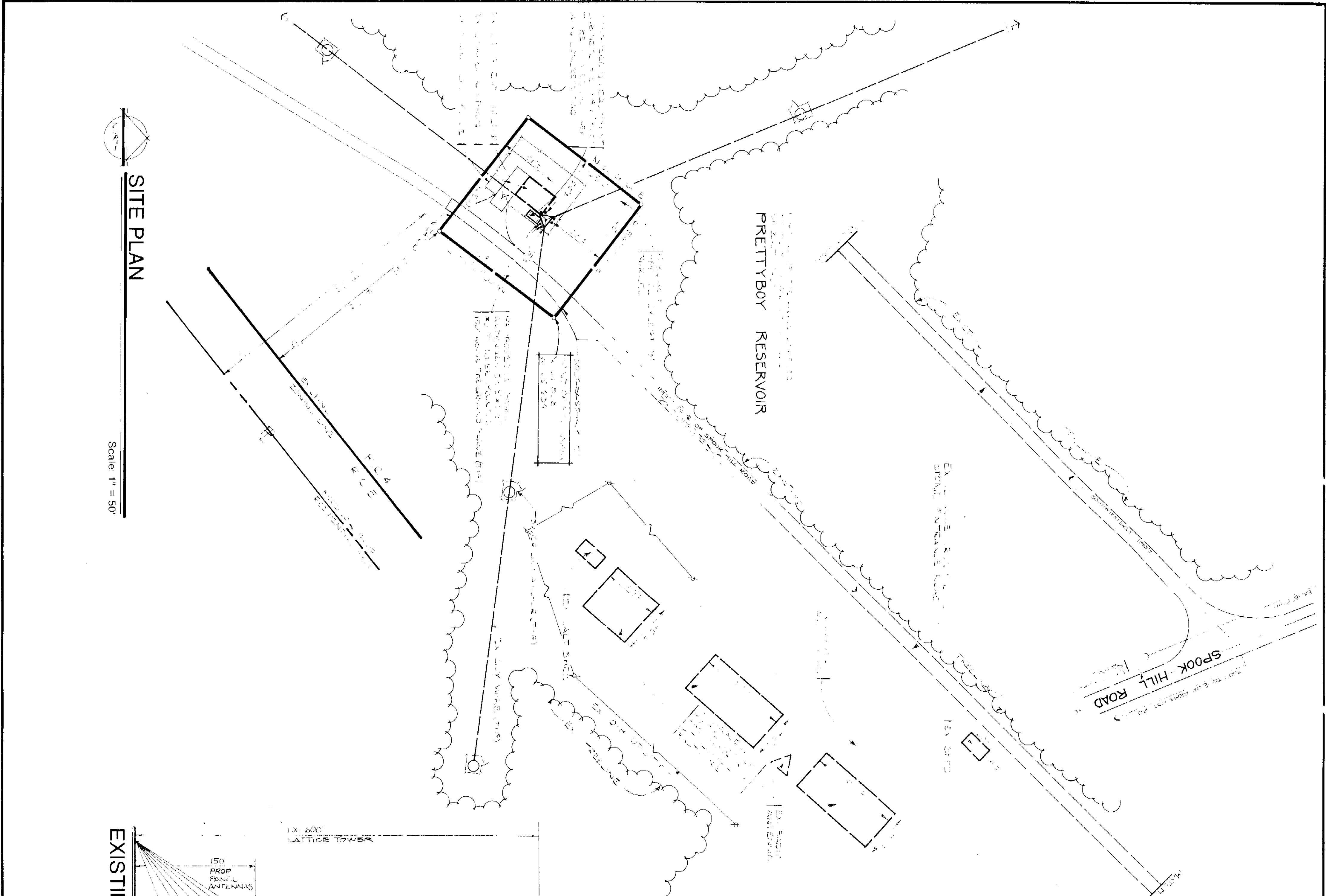
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Per SA



Prepared by:
Daft-McCune-Walker, Inc.
200 East Pennsylvania Avenue
Bethesda, MD 20814

10/1/95



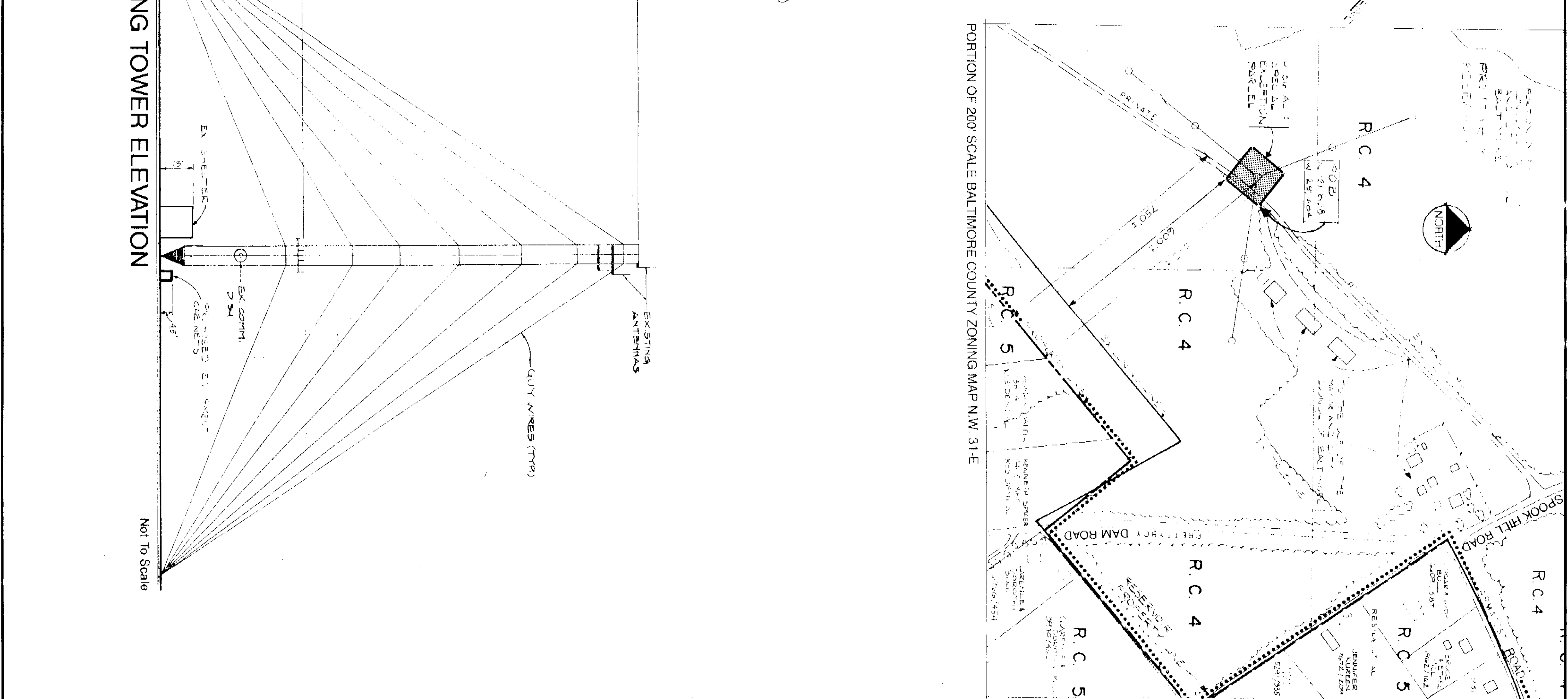
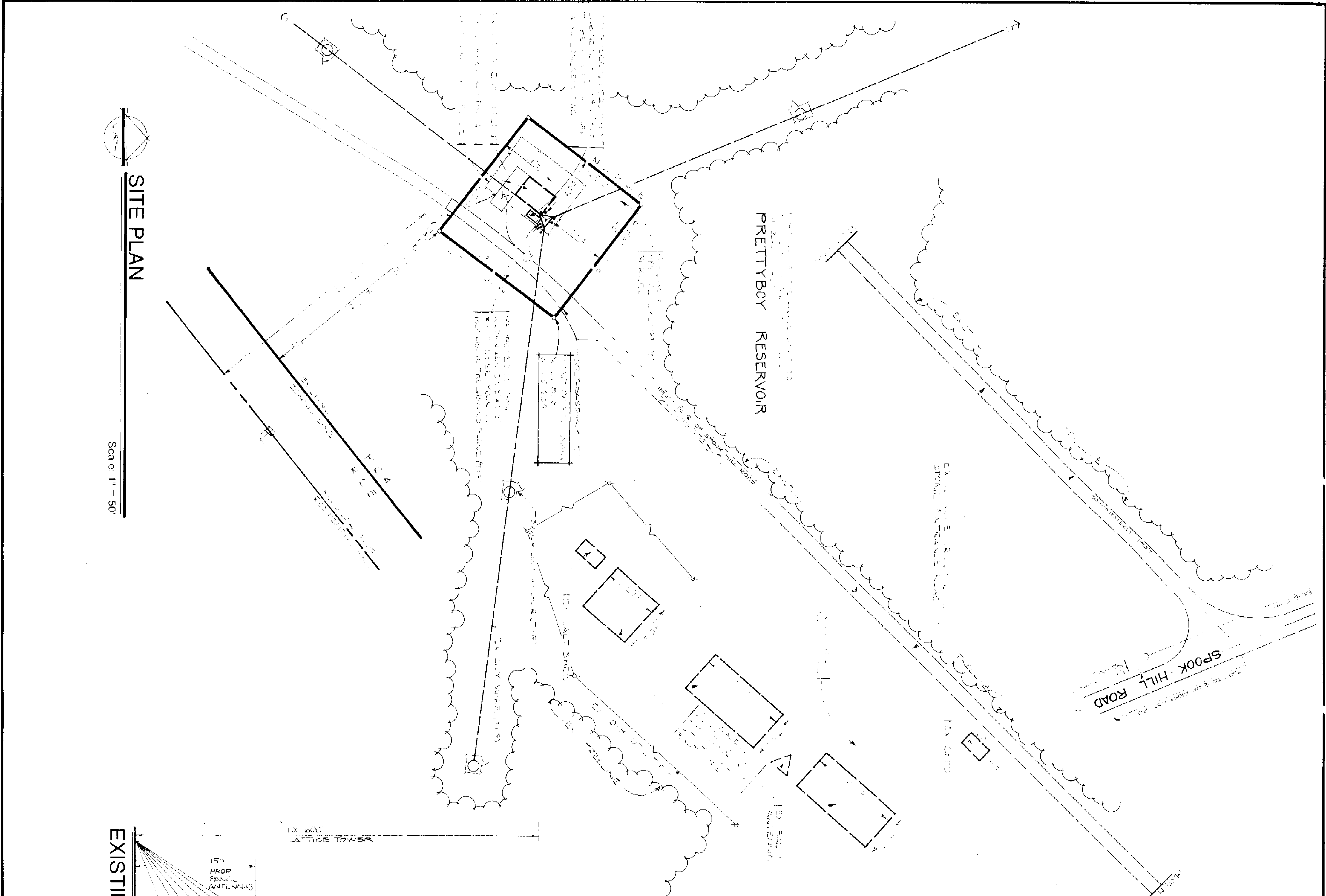
NOTES:

1. Current tower owner and street address: Baltimore County, Maryland, 21285
2. Current land owner and street address: Baltimore County, Maryland, 21285
3. Site area: 3.3334 AC.
4. Existing use: Public Use - Microwave Tower
5. Sheet Address: Pretty Boy Reservoir, Baltimore County, Maryland, 21285
6. Site data: Tax map 15, Map # 660000659, Baltimore County, Maryland, 21285
7. The proposed tower located at the site of the existing tower will be constructed by a professional engineering firm. The tower will be constructed of galvanized steel and will be 150 feet high. The tower will be constructed of galvanized steel and will be 150 feet high. The tower will be constructed of galvanized steel and will be 150 feet high.
8. No water or sanitary facilities are required for the tower.
9. The tower and its appurtenances shall be removed within five years of the date of the expiration of the lease.
10. Environmental protection agency permits and all permits relating to radiation emissions shall be obtained by the tower owner.
11. When the use is terminated, the tower and its appurtenances shall be removed within five years of the date of the expiration of the lease.
12. Every five years, or sooner in the event of substantial damage, a professional engineering firm shall inspect the tower and its appurtenances and shall submit a report to the Baltimore County Department of Public Works.
13. No wireless telephonic facilities are permitted or proposed.
14. All existing structures, including the tower, shall be removed within five years of the date of the expiration of the lease.
15. Zoning History: There are no zoning changes related to this property.
16. Previous Permits: There are no permits related to this property.
17. There are no signs proposed for the facility.
18. Floor area ratio: N/A
19. Setbacks: Required to be 50 feet (vertical) and 50 feet (horizontal).
20. Amenity open space: N/A
21. Parking: Required Spaces: 0

Requested Zoning Action **32**

Attorney: G. Scott Burleigh, Whiteford, Taylor, & Preston, 210 West Pennsylvania Avenue, Towson, MD 21204-4515, (410) 832-2000

Requested Zoning Action **1 OF 1**



NOTES:

1. Current tower owner and street address: Baltimore County, Maryland, 21080, MD 21285
2. Current land owner and street address: Baltimore County, Maryland, 21080, MD 21285
3. Site area: 3.3334 AC.
4. Existing use: Public Use - Microwave Tower
5. Sheet Address: Pretty Boy Reservoir, Baltimore County, Maryland, 21285
6. Site data: Tax map 15, Map No. 660000659, Baltimore County, Maryland, 21285
7. The proposed tower located at the site of the existing tower will be constructed to a height of 150 feet above ground level. The tower will be constructed of galvanized steel and will be painted with a reflective paint. The tower will be constructed to meet all applicable codes and standards. The tower will be constructed to meet all applicable codes and standards. The tower will be constructed to meet all applicable codes and standards.
8. No water or sanitary facilities are required for the tower.
9. The tower and its appurtenances shall be removed within five years of the date of the expiration of the license. The tower and its appurtenances shall be removed within five years of the date of the expiration of the license. The tower and its appurtenances shall be removed within five years of the date of the expiration of the license.
10. Environmental protection agency permits and all permits relating to radiation emissions shall be met at all times.
11. When the use is terminated, the proposed installation shall be removed within five years of the date of the expiration of the license. The tower and its appurtenances shall be removed within five years of the date of the expiration of the license. The tower and its appurtenances shall be removed within five years of the date of the expiration of the license.
12. Every five years, or sooner in the event of substantial damage, a professional engineering firm shall inspect the tower and its appurtenances. The inspection shall include, but not be limited to, the following: (a) the structural integrity of the tower; (b) the condition of the tower's appurtenances; (c) the condition of the tower's foundation; (d) the condition of the tower's access roads; (e) the condition of the tower's parking areas; (f) the condition of the tower's surrounding area.
13. No wireless telephonic facilities are permitted or proposed.
14. An environmental impact statement, as required by Section 101 of the Baltimore County Zoning Ordinance, shall be prepared and submitted to the Baltimore County Board of Commissioners for their review and approval.
15. Zoning History: There are no zoning changes related to this property.
16. Previous Permits: There are no previous permits for this property.
17. There are no signs proposed for the facility.
18. Floor area ratio: N/A
19. Setbacks: Required to: Front 50 (per lot line), Side 50, Rear 50. Provided to: Front 50, Side 50, Rear 50.
20. Amenity open space: N/A
21. Parking: Required Spaces: 0. Proposed Spaces: 0. The proposed wireless transmitting and receiving installation do not block or affect any existing parking spaces.

Attorney: G. Scott Burleigh, Whiteford, Taylor, & Preston, 210 West Pennsylvania Avenue, Towson, MD 21204-4515, (410) 832-2000

Requested Zoning Action: Petition for Special Exception to allow a wireless transmitting and receiving installation pursuant to § 1A03.3B.14.

32

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
NW/4 Prettyboy Dam Road, 1200' SW of its
intersection w/Spook Hill Road * ZONING COMMISSIONER
and Armcoast Road * OF BALTIMORE COUNTY
6th Election District *
3rd Councilmanic District * Case No. 96-34-X
Baltimore County, Maryland, Owner:
American PCS, L.P., Contract Lessee - Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Exception for that property located on the northwest side of Prettyboy Dam Road, just west of its intersection with Armcoast Road and Spook Hill Road, in the vicinity of the Prettyboy Reservoir. The Petition was filed by the owners of the property, Baltimore County, Maryland, a body politic, and the Contract Lessee, American PCS, L.P., hereinafter referred to as APC, by Margaret C. Ruggieri, Esquire, through their attorney G. Scott Barhight, Esquire. The Petitioners seek a special exception to permit a wireless transmitting and receiving facility to be located on an existing tower on the subject property, as more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 6.

This matter came in for a public hearing before this Zoning Commissioner as a combined case with six other Petitions filed by APC. Each of the seven cases included requests for zoning relief pursuant to the applicable provisions of the B.C.Z.R. At the hearings, testimony was received from Gregory Sarro, a Zoning Administrator for APC. Also present in support of the Petitions were Melanie Moser, a Consultant with Daft-McCune-Walker, Inc., and Andrew Werchmiak, an electrical engineer with McMill, Larson & Johnson, a site acquisition consulting firm. The Peti-

tioner was represented by Christine K. McSherry, Esquire.

In the specific request by APC for the subject site, there was no opposition, although testimony was generally received in opposition to the request from J. A. Mann, a resident of Handallstown. Appearing as interested parties were Lisa Roemer and Mary Roemer, residents of Parkton.

The subject Petition is another in a series of Petitions recently considered by this Zoning Commissioner on behalf of APC. As recounted in prior decisions of this office, APC is a communications company which is a new entrant in the field of wireless communications in the Baltimore-Washington demographic area. APC specializes in wireless communications, including telephone, facsimile, and computer transmissions. The company employs a state-of-the-art technology to serve its clientele. One of the features of the company's communications network is the ability of mobile users to utilize the company's services. In order to provide such service, the company is establishing a grid of inter-connecting wireless facilities. Each grid serves a specific geographic area. As a user passes from one geographic area to another adjoining area, his transmission is handed off from one facility to the next. In order to establish this capability, the company must install its wireless transmitting and receiving antennae in select areas to insure a continuous and unbroken line of communication. At the Spook Hill site, the Petitioner proposes to install its antennae on an existing tower owned by Baltimore County. This tower is 400 feet in height and is located in the vicinity of the Prettyboy Reservoir on land zoned D.R. 2. The tower is utilized by Baltimore County for its public needs. The Petitioners propose to install six panel antennae on the tower at a height above ground level of approximately 150 feet, roughly 1/3 the height of the tower. The antennae will be situated on the

tower so as to provide service in a 360 degree range to the surrounding grid. These antennae are 53.3 inches tall, 6.3 inches wide, and 2.7 inches deep. Two small equipment cabinets will be installed at the base of the tower to provide electrical service and equipment to the antennae. The facility will be unmanned but for routine maintenance inspections.

Testimony received from Mr. Gregory Sarro of APC fully described the general and site specific details of APC's operation. He noted that the company has been in business for approximately six years and is duly licensed by the Federal Communications Commission (FCC). Mr. Sarro described the interlocking grid system as set forth above. He noted that each grid will cover an area approximately five miles in radius, and that a facility is needed in this area of Parkton in the vicinity of the subject site. He also noted that the antennae fully comply with all FCC safety standards and guidelines. Specifically, there will be no interference with microwave, radio, television, or other transmissions and there is no danger to public health, welfare, or safety.

Testimony was also received from Melanie Moser, a landscape architect with Daft-McCune-Walker, Inc. She corroborated the testimony offered by Mr. Sarro regarding the benign effects of the proposed facility on the surrounding locale.

A packet of information was submitted and marked into evidence as Petitioner's Exhibit 1, which fully depicts the antennae and contains photographs of the existing tower on this site. An environmental effects statement was also received (Petitioner's Exhibit 5A) which concludes that there will be no detrimental effect upon the surrounding locale.

Wireless transmitting and receiving facilities are permitted in a D.R. zone by special exception. Moreover, the B.C.Z.R. encourage indus-

tries in this field to utilize existing towers. The installation of antennae on existing buildings and towers minimizes the construction of unsightly monopoles throughout the skyline of Baltimore County.

After due consideration of the testimony and evidence presented, it is clear that the proposed wireless transmitting and receiving facility at the Spook Hill location will not be detrimental to the health, safety or general welfare of the community. The evidence was overwhelming to support a finding that the inherent effects of the proposed facility are no greater at this location than if the facility was located elsewhere within the zone. It is clear that the Petitioner has satisfied the requirements of Section 502.1 of the B.C.Z.R. and that the Petition for Special Exception should be granted. See *Schultz v. Pritts*, 291 Md. 1 (1971).

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons set forth above, the special exception and variance relief should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21st day of October, 1995 that the Petition for Special Exception to permit a wireless transmitting and receiving facility to be located on an existing tower on the subject property, in accordance with Petitioner's Exhibit 6, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING

Date 10/27/95
By LES

ORDER RECEIVED FOR FILING

Date 10/27/95
By LES

ORDER RECEIVED FOR FILING

Date 10/27/95
By LES

ORDER RECEIVED FOR FILING

Date 10/27/95
By LES

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

October 27, 1995

(410) 887-4386

G. Scott Barhight, Esquire
Christine K. McSherry, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE
NW/4 Prettyboy Dam Road, 1200' SW of its intersection with
Spook Hill Road and Armcoast Road
6th Election District - 3rd Councilmanic District
Baltimore County, Maryland - Owners, and
American PCS, L.P. - Contract Lessee - Petitioners
Case No. 96-34-X

Dear Mr. Barhight & Ms. McSherry:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

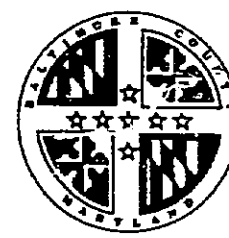
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Fred Homan, Director, Baltimore County Budget Office

Margaret C. Ruggieri, Esquire, American PCS, L.P.
One Democracy Ctr., 6901 Rockledge Drive, Bethesda, Md. 20817
Ms. Lisa Roemer, 17236 Evna Road, Parkton, Md. 21120
Ms. Mary Roemer, 2334 Tyacey's Store Road, Parkton, Md. 21120

People's Counsel; Case File



Petition for Special Exception to the Zoning Commissioner of Baltimore County for the property located at Northwest side of Prettyboy Dam Road, 1200 feet Spook Hill Road, and Armcoast Road which is presently zoned R.C.4

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

A wireless transmitting and receiving facility. Contract lease negotiations are ongoing between Petitioner, American Personal Communications, and the legal Owner, Baltimore County. Baltimore County agrees to the submission of this petition. American Personal Communications understands that it may not obtain a lease for this site, and is proceeding with this petition at its own risk.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Legal Owner(s):
Baltimore County, Maryland

Contract Purchaser/Lessee:
Margaret C. Ruggieri, Esq. for
American PCS, L.P.

Signature: Margaret C. Ruggieri
(Type or Print Name)
One Democracy Center
6901 Rockledge Drive
Bethesda, MD 20817

City: Bethesda State: MD Zip: 20817

City: Towson State: MD Zip: 21204

City: Towson State: MD Zip: 21204

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City: Towson State: MD Zip: 21204

DMW

Daft-McCune-Walker, Inc.

20140 Greenbelt Road
Suite 100
Greenbelt, MD 20740
(301) 261-1100

10000 Greenbelt Road
Suite 100
Greenbelt, MD 20740
(301) 261-1100

10000 Greenbelt Road
Suite 100
Greenbelt, MD 20740
(301) 261-1100

10000 Greenbelt Road
Suite 100
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Suite 100
Greenbelt, MD 20740
(301) 261-1100

Beginning for the same at the end of the third of the following courses and

distances measured from the point formed by the intersection of the centerline of

Spook Hill Road with the centerline of Armcoast Road and the centerline of

Prettyboy Dam Road (1) Northwesterly along the centerline of Spook Hill Road

300.00 feet, more or less, and thence (2) Southwesterly along the centerline of a

private road 1190 feet, more or less, and thence (3) Southeasterly 17 feet, more or

less, to the point of beginning, said point of beginning having coordinate values

North 121828 feet, more or less, and West 25684 feet, more or less, said values being

referred to the coordinate system established in the Baltimore County Metropolitan

District, thence leaving said beginning point and running the four following courses

and distances, viz: (1) South 36 degrees 00 minutes 00 seconds West 125.00 feet,

thence (2) North 54 degrees 00 minutes 00 seconds West 125.00 feet, thence (3)

North 36 degrees 00 minutes 00 seconds East 125.00 feet, thence (4) South 54 degrees

00 minutes 00 seconds East 125.00 feet to the point of beginning; containing 0.36

acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES

ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

July 20, 1995

Project No. 94123.70



CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District: 6th Date of Posting: 8/15/95

Posted for: Special Exception

Petitioner: Baltimore County

Location of property: 1200' SW of intersection of Spook Hill Rd and Prettyboy Dam Rd

Location of Sign: Along road way on property having signs

Remarks: None

Posted by: LES Date of return: 8/22/95

Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., Aug 11, 1995

THIS IS TO CERTIFY, that the annexed advertisement was

published in THE JEFFERSONIAN, a weekly newspaper published

in Towson, Baltimore County, Md., once in each of 1 successive

weeks, the first publication appearing on Aug 10, 1995.

THE JEFFERSONIAN,

G. H. Hemmick

LEGAL AD. - TOWSON

NOTICE OF HEARING

The Zoning Commission of

Baltimore County, by authority

of the Board of Commissioners,

has fixed the time and place

for the hearing on the

above-captioned matter, and

has fixed the time and place

for the hearing on the

above-captioned matter, and

has fixed the time and place

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32

BALTIC COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Virginia W. Barnhart, County Attorney
Office of Law

Arnold Janlon, Director
Permits & Development Management

FROM: Fred Homan *FH*
Office of the Budget

DATE: August 9, 1995

SUBJECT: Leasing of Tower Sites

As you are aware, APC is interested in locating on the following four 800 MHz communications towers: Red Run, North Point, Spook Hill and Catonsville. While such an arrangement is acceptable at these sites, the 800 MHz Committee has established the following requirements for all interested proposers. For your information, an APC representative had been made aware of these requirements a little more than a year ago.

1. A detailed RF inter-modulation study must be conducted by a reputable licensed Radio System Engineer or Engineering Company. This study must take into consideration all existing frequencies in use at the site, i.e., 800 MHz and 6 GHz microwave, and all future County frequencies to be used at the site. Additionally, any frequencies used by other leasing parties must be figured into the inter-modulation studies. The calculation must be performed to the seventh (7th) order.
2. A tower structural analysis based on the existing hardware load and the proposed maximum hardware load. The analysis must be completed by a licensed structural engineering firm experienced in communications tower structural analysis. All current loads will be taken into consideration. This includes (per tower) six (6) Sinclair SRL-480's, two each tower top amplifiers and six (6) runs of 1 5/8" LDP transmission line, line hangers, antennae mounts, etc. One additional SRL-480, attendant transmission line and mounting hardware will be needed to add the County's 5-channel system to each site. At this time, all cable ladders are filled to capacity, therefore, the increased tower loading presented by the addition of another ladder will require consideration in the loading calculation.

Virginia Barnhart & Arnold Jablon
Leasing Tower Sites
August 9, 1995
Page 2

The County has used the services of the following company:

Neubauer & Sohn Consulting Engineers, Inc.
7825 Tuckerman Lane
Potomac, MD 20854
(301) 295-7617

When the coverage analysis and inter-modulation studies have been completed, and the proposer has decided which tower(s) will meet their system requirements, the County's Electronic Services Division will furnish the tower manufacturer's structural data.

3) As required, the proposer constructs their own equipment shelter and installs their own electrical and telephone service. The proposer will adhere to all applicable electrical and telephone installation codes.

4) The proposer secures all necessary building permits, and constructs a building which meets and or exceeds all building codes.

5) The proposer employs a tower hardware installation company which is approved by the County, or uses the County's contractor.

The County's contractor is:

U.S. Towers
5263 Argo Drive
Frederick, MD 21701
(301) 874-5885

6) The proposer repairs and/or replaces the existing site grounding system if said system is damaged in any way by the building or bonding process. The County will test its grounding system prior to and following construction. If so desired, this can be performed with the proposer's representative(s) in attendance.

7) The proposer must install all equipment in compliance with the Motorola fixed network equipment quality standards R-96, and any and all applicable electrical and building codes.

Virginia Barnhart & Arnold Jablon
Leasing Tower Sites
August 9, 1995
Page 3

Please understand that in citing the aforementioned requirements, this office is not approving the consideration offered by APC. It is assumed that the Office of Law will otherwise be responsible for negotiation of a lease agreement.

Finally, the Department of Public Works should be contacted for information on special requirements related to the water tanks identified by APC.

FH:nav

c: Merreen E. Kelly
W. Michael Pitcher

RE: PETITION FOR SPECIAL EXCEPTION *
1200' SW of intersection Armacost, Spook *
Hill, and Prettyboy Dam Roads, 6th *
Election District, 3rd Councilmanic *
Legal Owner: Baltimore County Maryland *
Lessee: American PCS, L.P. *
Petitioners * * * * *

BEFORE THE *
ZONING COMMISSIONER *
OF BALTIMORE COUNTY *
CASE NO. 96-34-X * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carol S. Denilio
CAROL S. DENILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 587-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of August, 1995, a copy of the foregoing Entry of Appearance was mailed to G. Scott Barhight, Esquire, Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
AUG 14 1995
DEPT. OF PERMITS & LICENSES
OF BALTIMORE COUNTY

WHITEFORD, TAYLOR & PRESTON
L.L.P.
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410 832-2000
FAX 410 832-2015

1000 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20004-0001
TELEPHONE 202-692-0000
FAX 202-692-0001

1417 KING STREET
ALEXANDRIA, VIRGINIA 22304-2028
TELEPHONE 703-686-5742
FAX 703-686-0265

September 13, 1995

DELIVERY BY HAND

The Honorable Lawrence E. Schmidt
Office of Planning & Zoning
Room 112
400 Washington Avenue
Towson, Maryland 21204



Re: Special Exception Case No. 96-37-XA and Case No. 96-34-X

Dear Mr. Schmidt:

On behalf of my client, American Personal Communications, I am writing to request that you deny the request received from Mr. Paul A. Hupfer in his letter dated September 6, 1995 to delay a ruling in the above-referenced cases. In his letter Mr. Hupfer gave no adequate reason to delay a ruling in these matters. Although he states that he is requesting a delay to allow time to discuss the matter with APC, he had that opportunity prior to the zoning hearing.

Furthermore, at the hearing held on September 6, 1995, you stated on the record that you would grant the applications in these cases. As you have already ruled on the Petitions, I see no reason to delay issuing those decisions.

Thank you for your consideration of our request that you deny Mr. Hupfer's request to delay your decision. If you have any questions or comments, please feel free to call me.

Sincerely,

Chris McSherry
Christine K. McSherry

CKM:sll
Enclosure
cc: Mr. Paul A. Hupfer
Mr. Greg Sarro
58203

Environmental Impact Statement

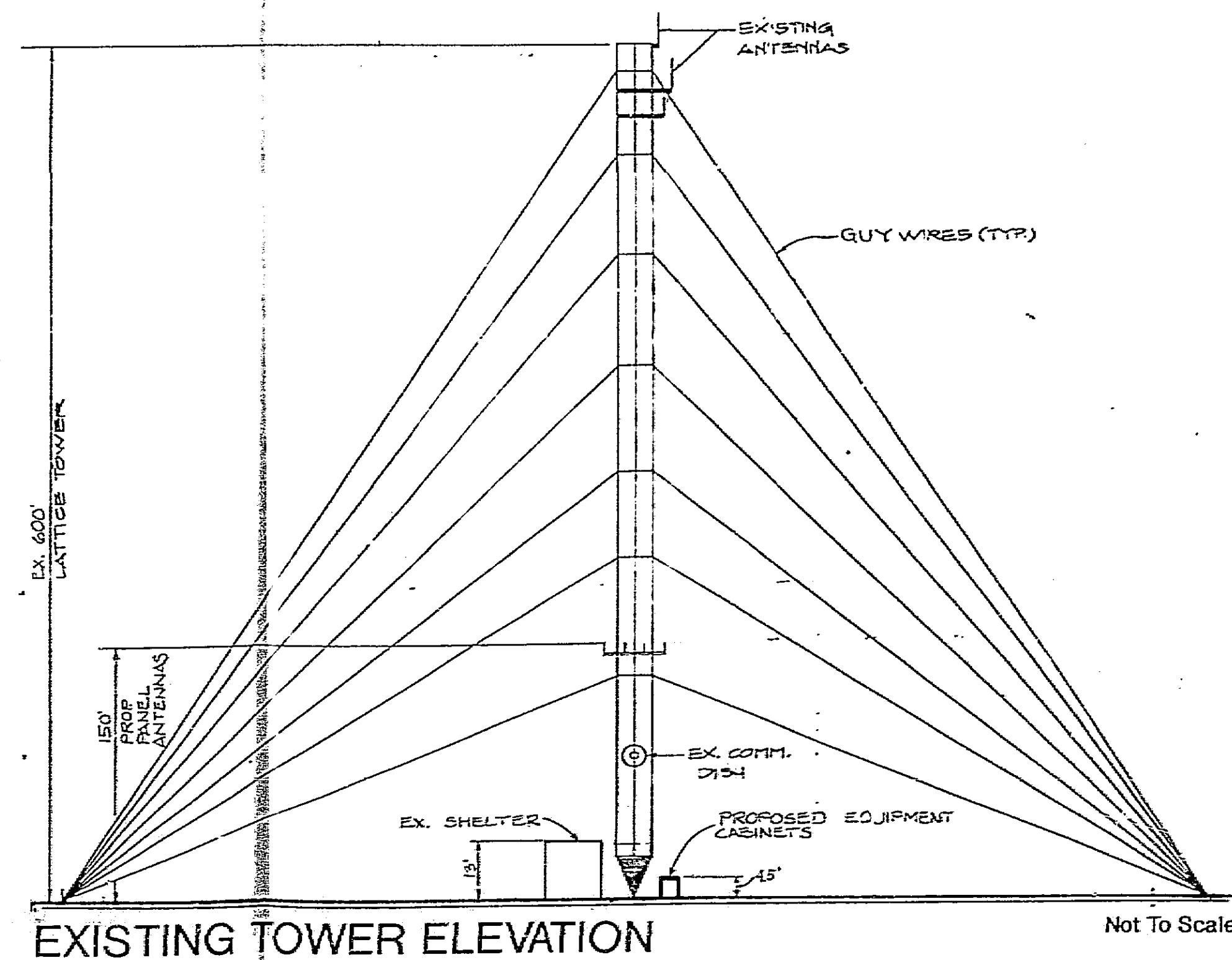
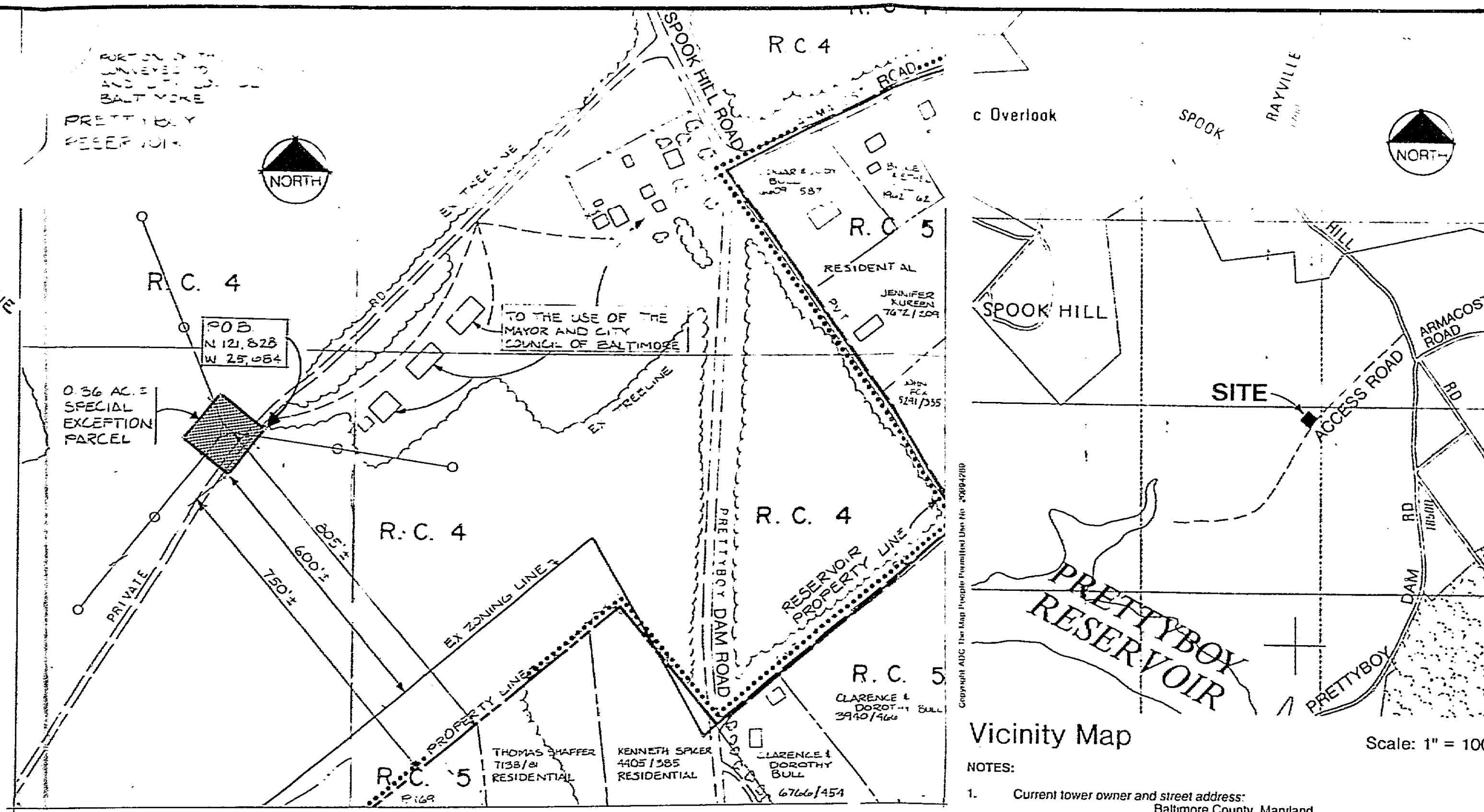
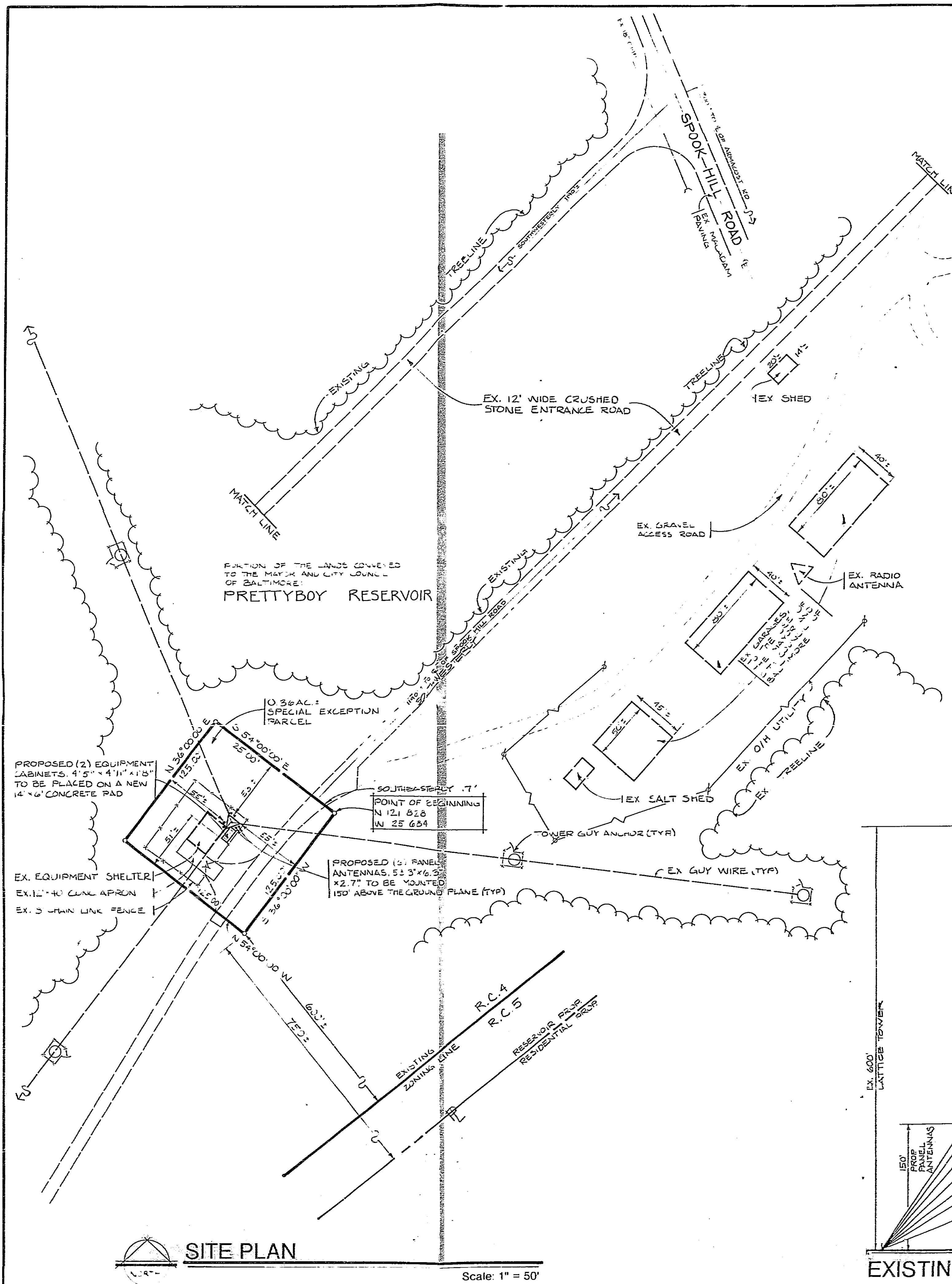
Spook Hill American PCS Site

August 1995
Project No. 94123.70

Prepared for:
American PCS, L.P.
One Democracy Center
Suite 600
6901 Rockledge Drive
Bethesda, MD 20817

DMW
Prepared by:
Daft-McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286

Pet 34



Vicinity Map

NOTES

1. Current tower owner and street address:
Baltimore County, Maryland
Court House
Towson, MD 21286
- Current land owner and street address:
Mayor and City Council of Baltimore
City Hall
200 North Holiday Street
Baltimore, MD 21202
2. Contract lessee:
American PCS, L.P.
One Democracy Center
6001 Rockledge Drive, Suite 600
Bethesda, MD 20817
3. Site area:
31.49 94 Ac. ±
4. Existing use:
(Public Utility) Microwave Tower
5. Street Address:
Site is situated on the Northwest side of
Prettyboy Dam Road
Parkton, Maryland 21120
6. Site data:
Tax map 16
Tax Account No.: 1600006559
Zoning: R-C-4
Election District: 6
Counclimance District: 3
7. The proposed tower mounted wireless transmitting and receiving installation will consist of (1) panel antennas measuring 33" high x 6.5" wide x 2.7" deep, mounted at 150' above the ground plane and (2) equipment cabinets measuring 4'-5" high x 4'-11" wide x 1'-8" deep, mounted on a new 14' x 6' concrete pad located at the base of the existing tower.
8. No water or sanitary utilities are required for the facility.
9. The information and boundary location shown hereon have been compiled from deeds, records, and other sources believed to be reliable; however their accuracy is not guaranteed and is subject to revision.
10. Environmental protection agency standards and guidelines relating to radiation emissions shall be met at all times.
11. When the use is terminated, the proposed installation shall be removed.
12. Every five years, or sooner in the event of substantial damage, a certification by a professional engineer registered in Maryland shall be filed with the Department of Permits and Licenses indicating that the antennas, all mounting brackets and hardware meets all safety requirements. Any upgrading or maintenance required to comply with any changes in safety requirements, or to maintain the safety thereof, shall be performed prior to the filing of such certification.
13. No white strobeoscopic lights are permitted or proposed.
14. An environmental impact statement, as defined in Section 101 of the Baltimore County Zoning Ordinance shall be submitted, at the time of the hearing, to the Zoning Commissioner.
15. Zoning History: There are no prior zoning cases listed for this property.
16. Previous Permits: There are no permits registered for this property.
17. There are no signs proposed for this facility.
18. Floor area ratio: n/a
19. Setbacks:

Required to facility	Provided to facility
Front	50' (from lot line)
Side (west)	55' ±
Side (east)	51' ±
Rear	53' ±
	60' ±
20. Amenity open space: N/A
21. Parking: Required Spaces: 0
Proposed Spaces: 0
The proposed wireless transmitting and receiving installation do not block or affect any existing parking spaces.

Attorney: G. Scott Barnight
Whiteford, Taylor, & Preston
500 Court Towers
210 West Pennsylvania Avenue
Towson, MD 21204-4515
(410) 832-2000

Requested Zoning Action

Petition for Special Exception to allow a wireless transmitting and receiving installation pursuant to § 1A03.3B.14

PRINTED


JUL 25 1995

DAFT-McCUNE-WALKER INC.

DMW
Dyft McCune Walker, Inc.
*A Team of Land Planners,
Landscape Architects,
Engineers, Surveyors &
Environmental Professionals*

200 E. Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-5333
Fax: 296-4705

9634-X



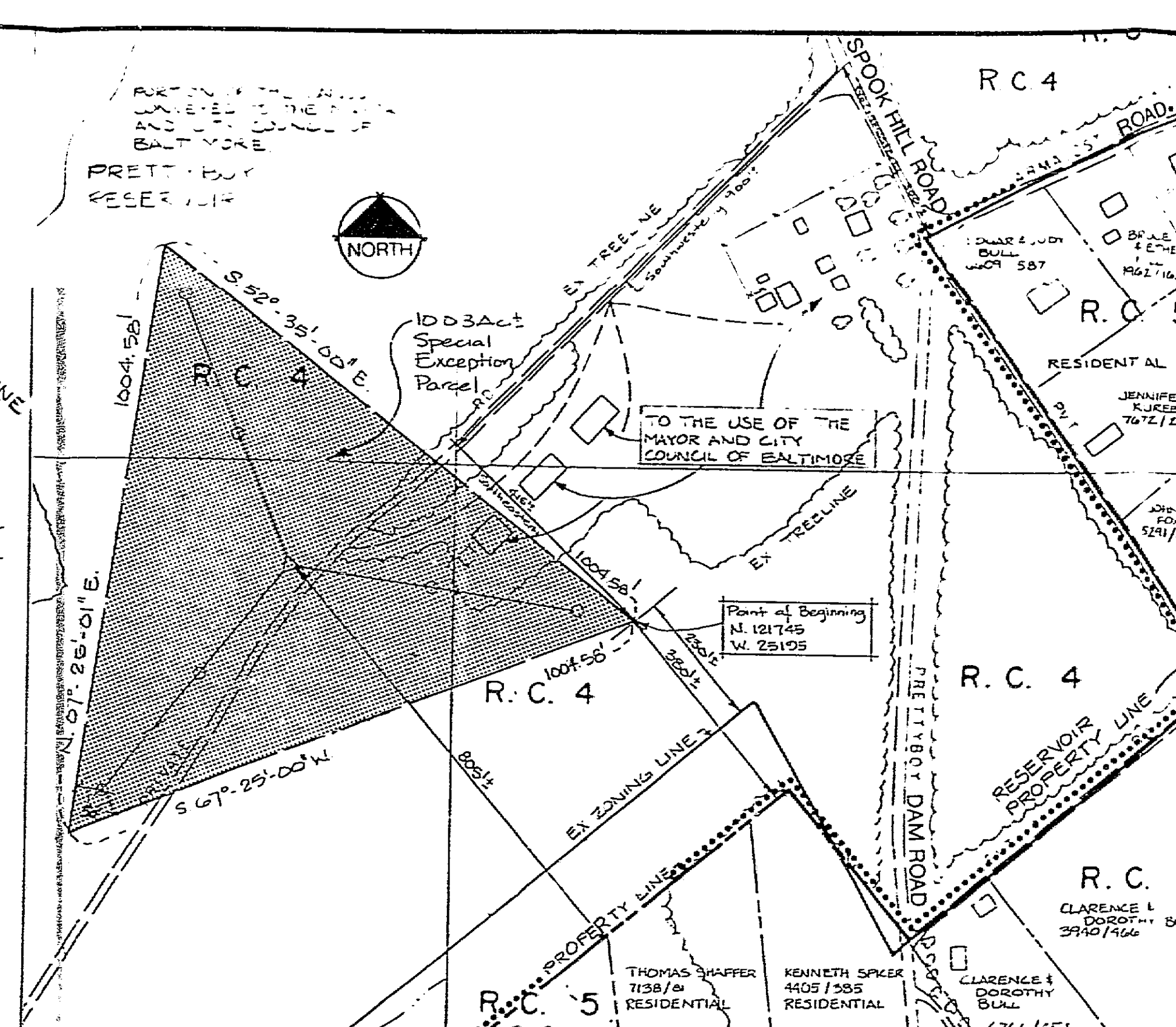
**American Personal
Communications**

Site Plan To Accompany Petition For Special Exception

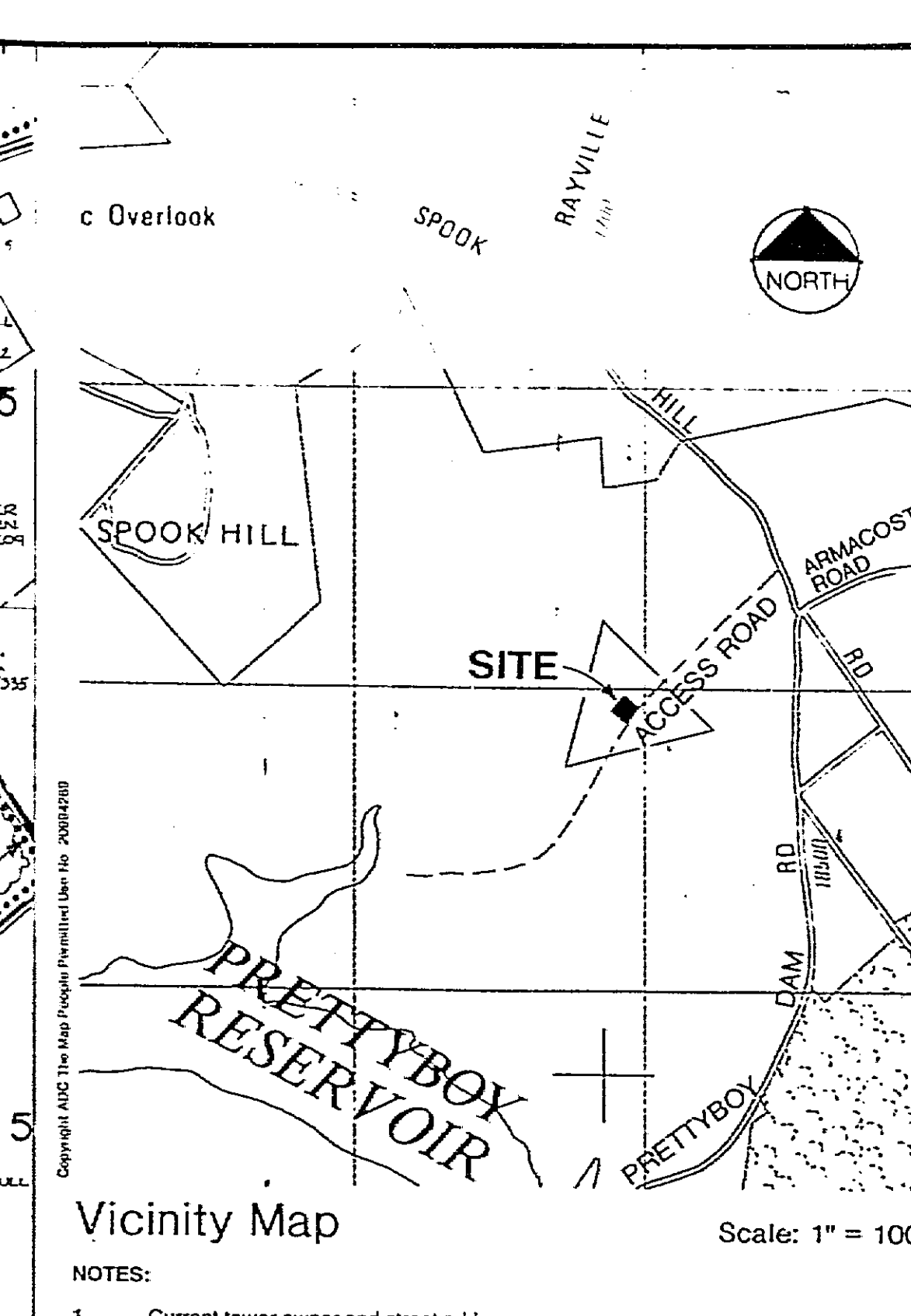
No.	Description	Date
REVISIONS		
Proj. No.	94 123.70	
Date	7-25-95	
Scale	As Shown	
Last Rev.		

Shae

1 OF 1



PORTION OF 2022 LOCAL 5 BALTIMORE COUNTY ZONING MAP NW 21



Current lower owner and street address:
Baltimore County, Maryland

- Current land owner and street address:
Mayor and City Council of Baltimore
City Hall
200 North Holiday Street
Baltimore, MD 21202
2. Contract lessee: American PCS, L.P.
One Democracy Center
6001 Rockledge Drive, Suite 600
Bethesda, MD 20817
3. Site area: 3149.94 Ac ± Special Exception to Ordinance
4. Existing use: (Public Utility) Microwave Tower
5. Street Address: Site is situated on the Northwest side of
Prettbyburg Dam Road
Parkton, Maryland 21120
6. Site data: Tax map 16
Tax Account No.: 1600006659
Zoning: B-C-4
Election District: 6
Councilmanic District: 3
7. The proposed tower mounted wireless transmitting and receiving installation will consist of (6) panel antennas measuring 53.3" high x 6.3" wide x 2.7" deep, mounted at 150 above the ground plane and (2) equipment cabinets measuring 4'-5" high x 4'-11" wide x 1'-8" deep, mounted on a new 14' x 6' concrete pad located at the base of the existing tower.
8. No water or sanitary utilities are required for the facility.
9. The information and boundary location shown herein have been compiled from deeds, records, and other sources believed to be reliable; however their accuracy is not guaranteed and is subject to revision
10. Environmental protection agency standards and guidelines relating to radiation emissions shall be met at all times.
11. When the use is terminated, the proposed installation shall be removed.
12. Every five years, or sooner in the event of substantial damage, a certification by a professional engineer registered in Maryland shall be submitted with the Department of Permits and Licenses indicating that the antennas, all mounting brackets and hardware meets all safety requirements. Any upgrading or maintenance required to comply with any changes in safety requirements, or to maintain the safety thereof, shall be performed prior to the filing of such certification.
13. No white stroboscopic lights are permitted or proposed.
14. An environmental impact statement, as defined in Section 101 of the Baltimore County Zoning Ordinance shall be submitted, at the time of the hearing, to the Zoning Commission.
15. Zoning History There are no prior zoning cases listed for this property.
16. Previous Permits: There are no permits filed for this property.
17. There are no signs proposed for this facility.
18. Floor area ratio: n/a
19. Setbacks: Required to facility Provided to facility
Front 50' (from lot line) 50'
Side (west) 50' 50'
Side (east) 50' 50'
Rear 50' 50'
20. Amenity open space: N/A
21. Parking: Required Spaces: 0
Proposed Spaces: 0
The proposed wireless transmitting and receiving installation do not block or affect any existing parking spaces.
- Attorney: G. Scott Barlight
Whiteford, Taylor, & Preston
500 Court Tower
210 West Pennsylvania Avenue
Towson, MD 21204-4515

Requested Zoning Action

Petition for Special Exception to allow a wireless transmitting and receiving installation pursuant to § 1A03 3B.14.

... ..

DMW
Daft McCune Walter, Inc.
*A Team of Land Planners,
Landscape Architects,
Engineers, Surveyors &
Environmental Professionals*

200 E. Pennsylvania Avenue
Tucson, Maryland 21286
(410) 256-3333

Feb 6

American Personal Communications
File Plan To Accompany Petition For Special Exemption
Spook Hill Site

Dept P-22 PM Comments Dated B-22-96 /5/07		
No	Description	Date
REVISIONS		
Proj. No.	94123.7	
Date	7-25-9	
Scale	As Show	

Sheet

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